

Background and Q&As
Buena Vista Lake Shrew

Prepared by the Sacramento Fish and Wildlife Office
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The Buena Vista Lake shrew is one of eight subspecies of ornate shrews found in California. These tiny mouse-size mammals, which have long snouts, tiny beadlike eyes and ears concealed or nearly concealed by soft fur, weigh approximately the same as a quarter (about 1/7th of an ounce) and can be up to 5 inches in length. The shrew's coat is predominantly black with brown specks on the back and smoke-colored gray underneath.

Active day and night, shrews spend their waking hours searching for insects, their favorite food. In fact, shrews can eat more than their own weight daily. Water is a vital component of the Buena Vista Lake shrew's environment. Moisture is required to support the varied insects that maintain the shrew's high metabolism. Shrews benefit surrounding plant communities by consuming large quantities of insects, thereby controlling pests.

Threats: Biologists believe that historically the Buena Vista Lake shrew occupied a wide range within the once abundant marshlands of the Tulare Basin. By the time biologists first discovered the shrew in 1932, however, most of these marshes had been drained or had dried up as a result of water diversions. Today, the species has lost more than 95 percent of its historic habitat.

These remaining populations are threatened primarily by agricultural activities, modifications of local hydrology, uncertain water supply, potentially toxic effects from selenium poisoning, and naturally occurring catastrophic events such as drought, which could wipe out the remaining animals.

Numbers and locations found: Today biologists know of only five locations where the Buena Vista Lake shrew can be found – the former Kern Lake Preserve, Coles Levee Ecosystem Preserve, the Kern Fan recharge area, the Goose Lake Bottoms Wetland project, and the Kern National Wildlife Refuge -- all sites in Kern County, California. Surveys in the last decade have found only about 50 of these rare mammals.

Frequently Asked Questions (FAQs)

Q: What is today's action?

A. The Service is proposing to designate critical habitat in five units in Kern County, CA. These five units can be found on Federal, State, and private property and cover a total of 4,649 acres. The Service will be taking public comment on the proposed critical habitat for 60 days, once it is published in the Federal Register.

Q. What is critical habitat?

A. Critical habitat is a term in the Endangered Species Act (ESA). It identifies geographic areas that contain features essential for the conservation of a threatened or endangered species and may require special management considerations. The designation of critical habitat does not affect land ownership or establish a refuge, wilderness, reserve, preserve or other conservation area. It does not allow government or public access to private lands.

In most cases, recovery of listed species will come through voluntary cooperative partnerships, not regulatory measures such as critical habitat. Habitat is also protected through cooperative measures under the Endangered Species Act including Habitat Conservation Plans, Safe Harbor Agreements, Candidate Conservation Agreements and state programs. In addition, voluntary partnership programs such as the Service's Private Stewardship Grants and Partners for Fish and Wildlife program also restore habitat. Habitat for endangered species is provided on many national wildlife refuges, managed by the U.S. Fish and Wildlife Service and state wildlife management areas. One of the units proposed in this action is the Kern National Wildlife Refuge.

Q. Why is the Service proposing critical habitat at this time?

A. The Service is complying with terms of a settlement reached in July to settle a suit filed by the Center for Biological Diversity. It had sued to overturn 55 actions by the Service, including the 2005 critical habitat designation for the shrew. In the settlement, the Service agreed to re-propose the original acreage in its 2004 critical habitat proposal and to complete its final action by March 22, 2012. Today's proposal of critical habitat is the first step in meeting that deadline.

Q. How will the designation of critical habitat affect non-Federal landowners?

A. The designation of critical habitat on non-Federal lands doesn't mean the government wants to acquire or control the land. Activities on private lands that don't require Federal permits or funding aren't affected by a critical habitat designation. Critical habitat doesn't require landowners to carry out any special management actions or restrict the use of their land.

The Act, however, prohibits any individual from engaging in unauthorized activities that will harm listed wildlife. That prohibition is in effect for any Federally listed wildlife, with or without designated critical habitat. If a landowner needs a Federal permit or receives Federal funding for a specific activity, the agency responsible for issuing the permit or providing the funds would consult with the Service to determine how the action may affect a listed species or its habitat.

Q. What critical habitat units are being proposed?

A. The five proposed units include streamside riparian or water course habitat with perennial or frequent intermittent standing water and adjacent untilled land with sufficient overhead and ground cover. Regularly cultivated land is not included in the proposed habitat because the species is unable to live in that environment.

The proposed units are:

- **Kern National Wildlife Refuge** -- 387 acres of wetland communities on the approximately 10,618 acre refuge
- **Goose Lake** -- 1,277 acres, part of an historical lake bed about 10 miles south of Kern NWR
- **Kern Fan Recharge Area** -- 2,682 acres within the Kern Fan water recharge area, owned by the City of Bakersfield. Portions of the recharge area are flooded sporadically, forming pockets of wetland communities.
- **Coles Levee Ecosystem Preserve Unit** -- 214 acres of mostly highly degraded upland saltbush and mesquite scrub, interlaced with slough channels of the historical Kern River fan where it entered Buena Vista Lake from the northeast.
- **Kern Lake Preserve** -- 90 acres located in the extreme southern end of the San Joaquin Valley, approximately 16 miles south of Bakersfield. This Unit lies between Hwy 99 and Interstate 5, south of Herring Road near the New Rim Ditch.

Q. How did the Service select those areas?

A. The Service proposed these units because they all contain documented populations of the species. They also contain the riparian and wetland habitats that are essential for the shrew, providing the animals with the space, cover and prey they need for their entire life cycle. The Service considers each of these areas as essential to the conservation and recovery of the species.

Q. What is the history of today's actions?

A. The Service received a citizen's petition in April 1988 to list the Buena Vista Lake shrew and three other shrew species as endangered. The Service determined that the petition presented substantial information that the requested action may be warranted. In June 2000, the Service published a proposal to list the Buena Vista Lake shrew as endangered and opened a 60-day comment period, which was later extended for an 60 days.

The final rule for listing was delayed because nearly the entire Fiscal Year 2001 Listing Program appropriation had to be committed to listing actions required under court order or settlement agreements, which did not include the Buena Vista Lake shrew.

On October 2, 2001, the Service entered into a consent decree to settle listing litigation with the Center for Biological Diversity, Southern Appalachian

Biodiversity Project, Foundation for Global Sustainability, and the California Native Plant Society. The consent decree required the Service to make final listing decisions for a number of species proposed for listing, including the Buena Vista Lake shrew. The consent decree required the Service to submit a final listing determination for this subspecies to the Federal Register by March 1, 2002. The Service listed the Buena Vista Lake shrew as an endangered species in March 2002.

On Jan. 12, 2004, the United States District Court for the Eastern District of California issued a Memorandum Opinion and Order (Kern County Farm Bureau et al. v. Anne Badgley, Regional Director of the United States Fish and Wildlife Service, Region 1 et al., CV F 02-5376 AWIDLB). The order required the Service to publish a proposed critical habitat determination for the Buena Vista Lake shrew no later than July 12, 2004, and a final determination no later than Jan. 12, 2005. The Court subsequently granted an extension until Aug. 13, 2004 for the Service to submit proposed critical habitat to the Federal Register.

The Service published its final critical habitat rule for the species in the *Federal Register* on January 24, 2005. That rule was challenged by the Center for Biological Diversity (CBD), which announced in August 2007 that it would sue over alleged political interference in 55 endangered species decisions, including the shrew critical habitat designation.

Under terms of a July 10, 2009 settlement with CBD the Service agreed to re-propose critical habitat by Oct. 13, 2009 and complete the action by March 22, 2012. The settlement does not specify how much land the final rule must designate as critical habitat.

Q. Is the Service seeking public comments on its proposal to designate critical habitat for the Buena Vista Lake shrew?

A. Yes. The Service will accept comments from all interested parties for 60 days.

Comments and materials may be submitted by any one of several other methods:

--Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the instructions for submitting comments.

-- U.S. mail or hand-delivery: Public Comments Processing, Attn: FWS-R8-ES-2009-XXXX; Division of Policy and Directives Management; U.S. Fish and Wildlife Service; 4401 N. Fairfax Drive, Suite 222; Arlington, VA 22203.

We will not accept e-mail or faxes. We will post all comments on <http://www.regulations.gov>.

For further information contact:

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Q. What types of information is the Service seeking during this public comment period?

The Service intends that any final action resulting from this proposal will be as accurate and as effective as possible. Therefore, comments or suggestions from the public, other concerned governmental agencies, the scientific community, industry, or any other interested parties concerning this proposed rule are hereby solicited.

Q. Has the Service adopted a recovery plan for the Buena Vista Lake shrew?

A. Yes. This species was a candidate for listing under the Federal ESA for many years, and was, therefore, among the species included in the Service's 1998 Recovery Plan for Upland Species of the San Joaquin Valley. Recovery plans provide a mechanism to identify research needs, gather species information, and develop specific recovery criteria and tasks required to recover and ultimately delist a species.

Actions designed to ensure the conservation of this species include additional surveying in areas of potentially suitable habitat; habitat restoration and creation on private as well as public lands; the study of the feasibility of reintroduction of the Buena Vista Lake shrew at the State of California's Tule Elk Reserve; population genetic studies; and continuous monitoring of the known populations. The Service strives to use the best scientific information available during the recovery planning process.

MORE QUESTIONS?

Please write or call:

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